

STATE PROPERTIES COMMITTEE

Tuesday, August 1, 2006

The meeting of the State Properties Committee was called to order at 10:07 a.m. by Chairman Jerome F. Williams. Other members present were Mr. Robert Griffith representing the Rhode Island Department of Administration, Genevieve Allaire Johnson, Esquire, from the Rhode Island Department of Attorney General and Robert Kay, Public Member. Also in attendance were David Coppettelli, Paul Carcieri and Marc Malkasian from the Rhode Island Department of Transportation; Marlene McCarthy Tuohy from the Rhode Island Department of Administration; John Faltus and Lewis Burke from the Rhode Island Department of Environmental Management; and Meredith Holderbaum from the Senate Fiscal Office.

The next meeting of the State Properties Committee is scheduled to be held on Tuesday, August 15, 2006. A motion was made to approve both the general and Executive Session minutes from the State Properties Committee Meeting of July 18, 2006, by Ms. Allaire Johnson and seconded by Mr. Griffith.

Passed Unanimously

ITEM A – Department of Transportation - A request was made for approval of and signatures on a License Agreement between the Department of Transportation and Fruit & Veggie Express, Inc. for the use of 1,065 square feet of land located at 1424 Park Avenue, Cranston, Rhode Island, which is adjacent to the Washington Secondary Bike Path. Mr. Coppotelli explained that the subject property will be utilized for parking spaces. The License Agreement is for a term of five (5) years for an annual fee of \$600.00 per year. At the conclusion of the third (3) year, the License Agreement will be

reevaluated relative to the annual fee. Mr. Kay asked if the subject property will be utilized for any purpose other than parking. Mr. Coppotelli indicated the property would be utilized for parking only. Mr. Coppotelli provided a photograph of the subject property to the Committee members. Chairman Williams asked if Fruit & Veggie Express, Inc. operated a store in the vicinity of the subject property. Mr. Coppotelli indicated that Fruit & Veggie Express, Inc.'s store is next to the subject property. Mr. Coppotelli indicated that there are presently barriers on the property ensuring it cannot be used until the State of Rhode Island removes said barriers. Chairman Williams clarified that the Washington Secondary Bike Path runs behind the subject property. A motion to approve by Mr. Griffith and seconded by Ms. Allaire Johnson.

Passed Unanimously

ITEM B – Department of Environmental Management - A request was made for approval of and signatures on a License Agreement between the Department of Environmental Management and Rhode Island Abenaki Council to allow the Council to hold a Pow-Wow, which is open to the public, on the grounds of Colt State Park in Bristol from August 26, 2006, through August 27, 2006. Mr. Burke introduced himself to the State Properties Committee as the Regional Manager of Region 2, which is the East Bay area for the Department of Environmental Management's Divisions of Parks and Recreation. Mr. Faltus indicated that he asked Mr. Burke to attend today's meeting to familiarize himself with the Committee so that in the event Mr. Faltus is unable to attend any State Properties Committee meeting, Mr. Burke would be able to represent the requests of the Division of Parks and Recreations relative to the various license agreements for his area. Mr. Faltus explained that this item has become an annual event

and has been successful over the past several years. The insurance is provided by the Rhode Island Historical Preservation and Heritage Commission. Mr. Faltus indicated that he provided the State Properties Committee with a copy of the Insurance Certificate, which is on file with the Department of Environmental Management from last year. Mr. Faltus stated that the certificate is valid through September 1, 2006; however, the Department of Environmental Management is obtaining an updated certificate of insurance. Mr. Burke indicated that the updated certificate of insurance will most likely be executed today. Mr. Faltus asked that the Committee approve the License Agreement subject to the Rhode Island Abenaki Council providing the Department of Environmental Management with the updated insurance certificate. Mr. Griffith asked if there is a fee associated with this event. Mr. Faltus indicated that a nominal fee of \$120.00 is required for the use of the area for both days. Mr. Kay asked what sorts of functions take place at this event. Mr. Faltus indicated there will be a Pow Wow, dancing, arts and crafts are sold and a few food items are sold. Pursuant to the License Agreement the Rhode Island Abenaki Council is required to be properly licensed by the Department of Health and, if necessary, obtain a certification from the Division of Taxation. Mr. Griffith asked how many people were expected to attend this event. Mr. Burke indicated approximately 500 people per day are expected to attend. Chairman Williams asked who is responsible for the cleanup of the site. Mr. Faltus indicated that the Rhode Island Abenaki Council is responsible for cleanup and repairs to the site. The Rhode Island Abenaki Council digs a small fire pit for some of the ceremonies; however, it has always repaired the turf in the past. Chairman Williams asked if police presence is necessary. Mr. Faltus indicated that pursuant to the License Agreement, the Rhode Island Abenaki Council is required to

engage and pay compensation for one (1) environmental police officer for the event. A motion to approve was made by Mr. Kay and seconded by Mr. Griffith.

Passed Unanimously

ITEM C – Department of Administration - A request was made for a discussion in regard to FY 2007 Budget Article 38. Chairman Williams explained that this item is not a request for any type of approval; however, Article 38 was passed in the past session of the General Assembly. Chairman Williams read paragraph (d) of Article 38 to the Committee members and individuals present. Chairman Williams indicated that this amendment was drafted late in the session. Chairman Williams indicated that the State Properties Committee was set up to provide approval of said leases, rental agreements or extensions of an existing rental agreement. Chairman Williams indicated that said approvals have been an executive level function. There is a question as to whether this may be a separation of powers issue. Chairman Williams stated that the wording of the amendment is somewhat confusing. The amendment not only asks for approval, but also asks for items such as the range of cost for a new lease, the proposed term of the new agreement and the location owner of the desired property. Therefore, the question is whether approval is sought before or after the request for proposals. Chairman Williams indicated that he was informing the Committee members of the passage of Article 38 for their information. Mr. Griffith stated that his concern with paragraph (d) of Article 38, is that it imposes a new layer of bureaucracy upon the State Properties Committee, which could potentially inhibit the approval process of any such lease and/or rental agreement. Chairman Williams stated that there is also no provision relative to an emergency situation as was the case when the pipes burst at the Division of Motor Vehicles. Mr.

Griffith asked if there were any lease renewals coming before the State Properties Committee in the near future, which will be affected by this amendment. Ms. McCarthy Tuohy indicated that there were several lease renewals which will be affected by this amendment. Ms. Allaire Johnson stated that the Article 38 can incorporate, not only the initial term of a lease, but all of its options as well. Chairman Williams assured the Committee members that he will keep them informed regarding any new information relative to Article 38.

There being no further business to come before the State Properties Committee, the meeting was adjourned at 10:20 a.m. A motion was made to adjourn by Mr. Griffith and seconded by Ms. Allaire Johnson.

Passed Unanimously

Holly H. Rhodes, Executive Secretary